

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>DAVID LUCAS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 2:11-CV-1209-VEH-JEO</b>
	)	
<b>WARDEN EDWARDS, et. al.,</b>	)	
	)	
<b>Defendants.</b>	)	

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**ORDER**

The magistrate judge filed a report and recommendation on October 31, 2011, recommending that plaintiff's claims of denial access to the courts against Defendants Culliver, Edwards, and Courtney be referred to the undersigned magistrate judge for further proceedings. (Doc. 10). It was further recommended that plaintiff's remaining claims be dismissed.

The plaintiff filed objections. (Doc. 11). Plaintiff notes that the report recommended his state tort claims concerning the disposal of his personal property against Defendants Haywood and Edwards be allowed to proceed, and should therefore not be dismissed. The plaintiff's objections are well taken.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the

magistrate judge's report is due to be and is hereby **ADOPTED** and the magistrate judge's recommendation is **ACCEPTED**, with the caveat that the state tort claims against Defendants Haywood and Edwards not be dismissed at this juncture.

It is therefore **ORDERED, ADJUDGED, and DECREED** that all of plaintiff's claims in this action except: (1) his claims of denial access to the courts against Defendants Culliver, Edwards, and Courtney; and (2) his state tort claim against Haywood and Edwards, are **DISMISSED** pursuant to 28 U.S.C. § 1915A(b). It is further **ORDERED** that the claims which remain are **REFERRED** to the magistrate judge for further proceedings.

**DONE** this the 24th day of January, 2012.



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**VIRGINIA EMERSON HOPKINS**  
United States District Judge